INDONESIA

President Soeharto and the military wield predominant political power; opposition groups exist but in fact have no real chance to obtain power. Since the mid-1960's, after an abortive coup backed by the Communist Party, retired and active-duty military officers and civilian technocrats have exercised centralized executive authority under President Soeharto's leadership. The partly elected, partly appointed Parliament (DPR) considers but does not initiate legislation. The People's Consultative Assembly (MPR)--consisting of 500 appointed members and the 500 DPR members--meets every 5 years to approve guidelines for government policy and to elect the President and Vice President.

Indonesia is the fifth most populous country in the world and the largest in Southeast Asia. Since independence, Indonesian leaders have sought to create a national identity and to accommodate ethnic, religious, linguistic, and geographical diversities, while fostering cohesion, internal security, and development. The Soeharto Government actively promotes allegiance to "Pancasila," five broad, guiding principles of national life: belief in one supreme god, a just and civilized humanity, Indonesian national unity, democracy, and social justice.

The armed forces (ABRI)--which include the military services and the police--number about 416,000. The Army constitutes about half of the armed forces and focuses mainly on internal security. Under a "dual function" concept, many military officers serve in the civilian bureaucracy at all levels and in Parliament. Frequent military operations against dwindling insurgency movements in the provinces of East Timor and Irian Jaya took place. In East Timor, at least 15 civilians were killed by the military in 1990, a figure reduced from previous years. For 2 months, beginning in October, there was a temporary increase in reports of security force beatings of detainees there. An upsurge in Aceh (Northwest Sumatra) of separatist violence and alleged violent crime, linked to economic and cultural grievances, provoked a significant increase in military presence and operations there. There were numerous unconfirmed reports of military abuses against alleged criminals and suspected separatists--including arbitrary arrest, mistreatment of detainees, and extrajudicial killings--raising the possibility of a government campaign of violent intimidation directed at these rebels and their sympathizers.

Although Indonesia's mixed economy involves the State in nearly all sectors, government policies are expanding the role and freedom of the private sector. Deregulation aimed primarily at stimulating growth in nonoil sectors has been a major government objective since the collapse of oil prices in the early 1980's. Real gross domestic product growth in 1989 was 7.4 percent and was estimated to be of a similar order of magnitude in 1990. Despite substantial increases in real incomes and in the standard of living of most Indonesians in the past 20 years, the country is poor, there is significant unemployment, and wide disparities in wealth exist. Corruption and influence peddling are endemic and restrict growth and economic opportunity.

Human rights remained circumscribed in 1990. Areas of abuse included the killing and physical mistreatment, sometimes torture, of civilians by military and the police; the often

TL692

unfair administration of justice, especially in cases under the broad antisubversion law; significant restrictions of freedoms of speech, press, and assembly; authoritarian political controls; and persistent discrimination against ethnic Chinese. Military abuses in East Timor continued but apparently at a reduced rate overall, while military operations against separatists in Aceh produced reports of new, serious abuses there. On the other hand, there was some fitful easing of press censorship and a modest relaxation of restrictions on political discussion. Other favorable developments included unprecedented acquittals in two subversion trials; the early release from prison of a leading dissident; an enhanced role for Parliament; formation of a second labor union; and beginning steps toward enforcing minimum wage requirements, including conviction of some offending employers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Military forces in East Timor, according to credible reports, killed at least 15 civilians, a decrease from 1989. Official sources confirmed the deaths of five civilians in a military operation in Aceh. There have also been reports of execution-style killings there. Eight bodies--some mutilated--were reportedly found in areas of insurgent activity during September and October. Those discoveries, as well as reports of bodies found in north Jakarta in January, revived speculation about "mysterious killings," i.e., vigilante killings by security forces, which had abated in recent years. Insurgents and alleged criminals in Aceh killed an undetermined number of military and police officials, and reportedly killed several informants as well. Local military authorities claimed to have taken disciplinary action against some subordinates responsible for human rights abuses but did not specify what action was taken.

b. Disappearance

Security forces periodically took persons for interrogation, usually without notification to families, resulting in at least their temporary disappearance. This occurred particularly in East Timor and Aceh, but also in Irian Jaya and elsewhere. Most reports are unspecific and difficult to confirm. No cases of suspected permanent disappearance were resolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Credible reports of torture and mistreatment, including rape, of criminal suspects, detainees, and prisoners were frequent. Police in Jakarta, for instance, on several reported occasions, beat individuals taken temporarily into custody; youths detained in East Timor in connection with civil unrest were beaten, sometimes severely--and in some cases were subjected to more serious physical mistreatment. Police often resort to physical abuse, even in minor incidents. Officials have publicly acknowledged and condemned police brutality and unacceptable prison conditions and occasionally instigated disciplinary action, including transfer, dismissal, trial, and

sentencing to prison terms. However, in 1990 there were no known instances of officials being punished for mistreatment of political prisoners or detainees. Pretrial mistreatment of detainees to obtain confessions is reportedly common.

The practice in Medan of "shooting to wound" criminal suspects allegedly attempting to escape capture continued, and efforts by police in Jakarta to cope with increased crime rates raised concerns about excessive use of force against suspects in several cases. Peaceful though at times unruly demonstrators in East Timor were on several occasions beaten and wounded by security personnel. Three participants required hospitalization after riot police forcibly dispersed a demonstration in East Timor during the January visit of the U.S. Ambassador. Police reportedly tortured at least one of five students arrested after a September 4 proindependence rally in East Timor. Reports of torture and mistreatment of political detainees have been persistent, although fewer in 1990 than in recent years. In Aceh there were also reports that police and soldiers had beaten and terrorized suspected rebel sympathizers. Rebels in East Timor, Irian Jaya, and Aceh periodically harassed and terrorized civilians.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code (KUHAP) contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family. These safeguards are often disregarded in practice. Detainees in cases of alleged subversion may be held up to a year without charges. Security agencies detain and arrest persons, including students and intellectuals, to intimidate them and inhibit activities judged undesirable. Legal mechanisms for redress of such actions are inadequate. The approximate number of persons detained without trial is unknown, although past estimates were up to 500. Application of a 1987 presidential decree on remission of prison terms leaves uncertain the status of some prisoners, including several reportedly still in jail despite apparent expiration of their sentences.

The Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS) operates outside KUHAP procedures and has wide discretion to detain and interrogate persons thought to threaten national security. Indonesian law does not provide for the right to judicial review of such actions or for the right to protection or legal aid for the detainees. Their cases are rarely if ever publicized.

Security forces periodically detained persons on suspicion of subversive activity or knowledge thereof for days or weeks in East Timor, Irian Jaya, and Aceh, subsequently releasing most without charges. The youths temporarily detained for demonstrating during the Pope's October 1989 visit to East Timor were freed by January. Six went on trial, with two sentenced to short prison terms served retroactively. Following a proindependence demonstration in September in East Timor, some participants were reportedly detained temporarily and a few were arrested. As many as 40 youths were detained temporarily for questioning following October disturbances at two schools. In one incident, police were called in when a "subversive text" (a proindependence sign) was found. These incidents reflected a cycle of increased civil unrest, including violent attacks by some youths on soldiers and

policemen and subsequent overreaction by security forces. Nevertheless, early releases have reduced to 10 the number of East Timorese serving sentences in Dili and Jakarta for involvement with the Fretilin rebels.

Elsewhere in the country, following a vigorous public outcry, Justice Ministry officials reversed the transfer by local authorities of eight young political prisoners to a prison normally used for hardened criminals. In September one of the country's leading dissidents, retired Lt. Gen. H.R. Dharsono, was released for good behavior after serving 5 years and 8 months of a 7-year subversion sentence. As noted in our 1985 report, Dharsono's lawyers claimed at the time of his trial that he was not permitted to meet with legal counsel for most of the 7-month pretrial period, was denied bail contrary to common legal practice, and was not permitted to offer testimony from 6 of 12 witnesses he sought. Dharsono's original 10-year sentence was reduced in 1986.

e. Denial of Fair Public Trial

A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from District Court to High Court to Supreme Court exists. The Supreme Court, with a current backlog of some 17,000 cases, does not consider material aspects of a case, only the lower courts' application of law. Initial judgments are rarely reversed in the appeals process, although sentences are sometimes increased or reduced. A three-judge panel conducts most trials, poses questions, hears evidence, decides guilt or innocence, and assesses punishment. The judiciary is not independent; judges are civil servants employed by the executive branch. The Supreme Court cannot annul laws passed by Parliament.

Most court sessions are open to the public, and most defendants have access to counsel although such access is sometimes significantly delayed. Destitute defendants can obtain private legal help, such as that provided by the Legal Aid Institute (LBH). Courts also can provide a limited amount of aid for those unable to afford legal assistance. The State must ensure legal assistance in capital cases.

Corruption permeates the Indonesian legal system. In civil and criminal cases, payment of bribes can influence decisions, prosecution, conviction, and sentencing. Use in trials of forced confessions and limitations on the presentation of defense evidence are reportedly common. The Government has occasionally taken action against flagrant offenders, but by and large these abuses continue unchecked. The Government supports programs to improve legal awareness, training, and research.

Conviction is virtually automatic in cases involving Indonesia's broad 1963 antisubversion law, although, in an unprecedented move, courts in 1990 acquitted two persons charged with subversion on grounds of mistaken identity and insufficient evidence respectively. Advocacy or actions in support of secession or creation of an Islamic state, criticism of Pancasila, and smuggling are classified subversive offenses subject to a maximum penalty of death. Although the Government does not provide data on the number of persons serving subversion sentences, careful estimates based on the incomplete information available suggest a total of approximately 400. This estimate includes persons sentenced

for involvement in the 1965 Communist coup attempt and alleged Muslim extremists, many of whom, according to credible reports, were unfairly convicted for peaceful protest activity. Although the exact numbers are undetermined, some persons are serving sentences or are under detention for peaceful political activities in East Timor and elsewhere.

Dozens of subversion trials took place in 1990, most related to prior incidents in Lampung, Jakarta, and Sumbawa involving alleged Muslim extremists charged with seeking to establish an Islamic state. Some of these defendants committed acts of violence; however, charges of committing or plotting to commit violence against other defendants appeared fabricated. Sentences ranged from 6 to 17 years. Nearly 50 cases of alleged Muslim extremists were believed to be pending as of September. In Irian Jaya, three persons who unsuccessfully sought asylum at the Papua New Guinea Consulate were later tried and sentenced for 1989 secessionist activities, despite reported assurances that the Government would not prosecute them. The 7- and 8-year subversion sentences from 1989 of a student and an employee at Yogyakarta's Gajah Mada University were upheld. In connection with this case, a court in October convicted another student for possessing banned books allegedly espousing Marxist ideology and sentenced him to 8 years and 6 months' imprisonment.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, forced or surreptitious entry by security agencies reportedly occurs regularly. Security agencies intimidate by conducting surveillance of persons and residences, and they are believed to monitor selectively local and international telephone calls without legal restraint. Correspondence generally is not monitored. Government security officials try to monitor the movements and activities of up to 2.5 million former members of the Indonesian Communist Party (PKI) and the approximately 20 million members of its front groups. These persons and sometimes their relatives are subject to surveillance, required check-ins, and arbitrary actions by officials, including removal from government employment. While new regulations based on an April decree were promulgated to make less arbitrary the ideological screening of persons in government and other jobs considered sensitive, the potential for official discrimination remains.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Significant restrictions on freedom of speech and press exist. Government agencies exercise broad discretionary authority in applying laws concerning the rights of persons, and effective judicial review is lacking. Public statements or publications which criticize the Government or could be perceived as critical of it or of Pancasila, top leaders, their families, or particular religious and ethnic groups are often harshly punished.

For example, six students were sentenced to prison terms averaging 3 years on criminal charges of insulting the Government during the Home Affairs Minister's August 1989

visit to the Bandung Institute of Technology. A Jakarta court sentenced Bambang Beathor Suryadi to 4 years and 5 months for spreading false rumors that insulted national leaders and for encouraging the public to act against the Government. Subversion and criminal sentences periodically demonstrate limitations on freedom of speech. In October a court convicted a student at Yogyakarta's Gajah Mada University of subversion and sentenced him to 8 years and 6 months for possessing banned books allegedly espousing Marxist ideology. This was the third conviction in this case, stemming from arrests made in 1988. Authorities banned two popular theatrical productions, one almost through its run and the other having played without interference in the past, for contents deemed harmful to public order. A poet instructed not to read two of his works canceled a planned performance. In December Parliament held a hearing with representatives of the artistic community critical of these bannings, which drew spirited and negative public reactions. The Government subsequently revoked the bannings. Public and media airing of issues regarded as sensitive to the Government--including complaints against officials, the President's tenure in office, the business activities of the President's family, and calls for change in the political system--increased in 1990. President Soeharto sanctioned the expression of different points of view in an address to Parliament on August 16, and various government critics attempted to test the limits of government tolerance during the year.

The risk of official sanctions and informal government instructions generally influence the media to avoid or exercise great caution in disseminating views of government critics. However, coverage of opposition views conveyed to the Parliament in August and of Lt. Gen. Dharsono's September release from prison was extensive. Lack of clear guidelines on what is permissible has generated a significant degree of self-censorship both in public speaking and in the press. However, the limits of government tolerance were regularly tested in 1990--usually by indirection--in published editorials, opinion pieces, cartoons, and public statements that sometimes tweaked the Government, sometimes more seriously questioned it.

While academic freedom is provided for in law, constraints exist on the activities of scholars. They sometimes refrain from producing materials which they believe might provoke government displeasure. Publishers are unwilling to accept manuscripts dealing with controversial issues. Although considerable public discussion of East Timor took place, authorities canceled a seminar scheduled to present the findings of a study of its economy.

The Government operates the national television network. A private company offers television service to viewers in Jakarta. A private commercial station began operating in Surabaya and another was approved for Yogyakarta. More than 400 private radio stations operate in Indonesia in addition to the national radio network. Private television and radio stations, which have considerable programming latitude, are subject to careful official scrutiny and are required to use government-provided news programs. Private radio stations frequently supplement such news programs with their own reports. Foreign television and radio broadcasts are accessible to those who can afford the technology.

INDONESIA

The press is largely privately owned. Officials state that the press is "free" but also "responsible." It is expected to support national development and stability, be educational, and uphold professional standards. The Government exercises strong control over the press through its control of publishing permits. One periodical lost its permit after there were negative reactions to polling results it released which were judged insulting to the prophet Mohammed. The Government often advises editors and reporters about news which cannot be reported, and it closely monitors media outlets. Oral or written warnings are issued for published material found unacceptable. For example, in March the Minister of Information issued a warning to a newspaper for a column comparing President Soeharto to a pharaoh. The newspaper apologized and fired the writer. If ignored, warnings can result in a ban on circulation or revocation of the license to publish. The Government limits the number of newspaper licenses, the amount of advertising, and the number of pages.

In 1990 the press received warnings for a variety of reports found objectionable by the Government. Numerous reports on issues considered sensitive by the Government, particularly in the English-language domestic press, nonetheless went unchallenged. The Coordinating Minister for Security and Political Affairs announced in August an end to the government practices of telephoning editors to suppress stories and censoring foreign periodicals, but some newspapers continued thereafter to receive such telephone directives. The Attorney General banned in August four books, one by a U.S. author charging President Soeharto with masterminding the abortive 1965 coup. The other books concerned the violent February 1989 clash between members of an Islamic sect and the military, the controversy surrounding "The Satanic Verses," and former President Soekarno's role in the 1965 coup. In December the Attorney General banned another four books, giving as grounds that one disparaged Islam; another (containing rebuttals of the indictments against the Bandung university students) contained inaccuracies and discredited the Government; and two more had unacceptable sexual content. The Justice Minister temporarily suspended one newspaper's access to his Ministry. In November the Government banned a foreign journalist from returning to Indonesia for "defaming" President Soeharto in a newspaper article. The article described the Soeharto family's business activities and speculated about the impact they may have on Soeharto's decision whether to seek reelection. The Government also announced that it would investigate the Indonesian distributor of the two international newspapers that carried the article for failing to "exercise self-censorship."

Chinese-language publications, with the exception of one officially sanctioned daily newspaper, can neither be imported nor produced domestically. Private instruction of Chinese is discouraged but takes place to a limited extent. No laws prohibit speaking Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia.

The Government closely regulates visiting and resident foreign correspondents and occasionally reminds the latter of its prerogative to deny requests for visa extensions.

The importation of foreign publications and video tapes, which must be reviewed by government censors, requires a permit.

Importers usually avoid foreign materials critical of the Government or dealing with topics considered sensitive, such as human rights. Foreign periodicals and newspapers, readily available in Indonesia, are subject to censorship prior to distribution. A marked number of articles inked or cut out preceded the August announcement of an end to the practice which at year's end continued sporadically and unpredictably.

b. Freedom of Peaceful Assembly and Association

All organizations must have government permission to hold regional and national meetings. Local jurisdictions often require prior approval for smaller gatherings as well. While obtaining such approvals is fairly automatic, authorities occasionally withhold permission. Meetings of nongovernmental organizations that do occur are sometimes subject to substantial official efforts to produce specific outcomes. A long-postponed meeting of the Indonesian Lawyers Association ended in disarray over such efforts. Student gatherings have often been the target of disapprovals, and ostensible political activity at universities remains forbidden under the "Campus Life Normalization" (NKK) law of 1978. The Minister of Education and Culture issued revisions in June to allow student senates at universities, although the bodies' prescribed composition and autonomy fall short of many students' demands.

Student activism continued in 1990, though not at the same pitch as in 1989. Delegations raised land reform issues at Parliament, expressed foreign policy concerns at embassies, addressed human rights questions to the visiting chairman of Indonesia's international donor group, welcomed Lt. Gen. Dharsono on his return to freedom, and protested the arbitrary handling of student prison inmates to Parliament and the Ministry of Justice. Peaceful demonstrators in East Timor were forcibly dispersed in January, and several persons were detained temporarily and beaten by security personnel following a demonstration there in September. Security forces intervened in two schools in East Timor in October after expression of proindependence views by some students. An official who reportedly provoked the student outburst at one school was fired.

The 1985 "Social Organizations" (ORMAS) law requires all organizations, including recognized religions and associations, to adhere to Pancasila. This provision, which limits political activity, is widely understood as prohibiting groups which seek to make Indonesia an Islamic state. The law empowers the Government to disband any organization it believes to be acting against Pancasila and requires prior government approval for any organization's acceptance of funds from foreign donors.

c. Freedom of Religion

The Constitution recognizes and provides for religious freedom for Islam, Christianity, Buddhism, and Hinduism, and permits practice of the mystical, animistic beliefs of "Aliran Kepercayaan." Although the population is overwhelmingly Muslim, the practice and teachings of the other recognized faiths are respected. The Catholic Church operates widely in East Timor. Various restrictions on religious activity nonetheless exist. According to official statistics, nearly 400 "misleading religious cults" are banned, including some Islamic groups considered heretical. Existing bans affect

many thousands of adherents, and new bannings by national or local authorities occur periodically.

Although banned, several thousand Jehovah's Witnesses are believed to practice in Jakarta alone. Adherents are periodically detained and their religious materials confiscated. A spokesman for the Ministry of Religious Affairs urged security authorities to crack down on practitioners for seeking converts and inciting unrest. A 1963 ban on the Baha'i faith continues in force, and some observers expressed concern about stricter implementation. The private practice of banned religions is often tolerated, although authorities periodically harass adherents or pressure them to convert to the recognized faiths. Because the first tenet of Pancasila is belief in a supreme being, atheism is forbidden. The legal requirement to adhere to Pancasila extends to all religious and secular organizations.

The Government strongly opposes Muslim groups which advocate establishing an Islamic state or acknowledging only Islamic law, both of which are outlawed. Over 100 and possibly many more alleged Muslim extremists are estimated to be serving prison terms on subversion charges. The Minister of Religious Affairs affirmed the Government's continuing determination to take stern measures against foreign religious teachers found proselytizing while on tourist passes. Visiting Muslim fundamentalist teachers have been particularly susceptible to deportation.

There is no legal bar to conversion between faiths, and conversions occur. However, proselytizing between the recognized religions or in areas heavily dominated by one recognized religion or another is considered potentially disruptive and is discouraged. Foreign missionary activities are relatively unimpeded. In recent years, however, some foreign missionaries have had difficulty renewing visas or residence permits--a few on unspecified "security grounds." Laws and decrees from the 1970's do not allow foreign missionaries to spend more than 10 years in Indonesia, with extensions to 15 in exceptional circumstances only. With rare exceptions, enforcement of this policy does not discriminate by sect or nationality. Exceptions to the 10-year rule have been granted to foreign religious workers since late 1987 in the remote areas of Irian Jaya and Kalimantan and, more recently, in other parts of the country. The Government says it intends over time to reduce the number of foreign missionaries in order to encourage employment of Indonesians. Foreign missionary work is subject to the funding stipulations of the "ORMAS" law discussed above.

Indonesians practicing the recognized religions maintain active links with coreligionists inside and outside Indonesia and travel abroad for religious gatherings. The Government permits a set number of pilgrims to make the hajj annually.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Restrictions on freedom of movement exist. Permits to seek work in a new location are required in certain areas, primarily to control further population movement to crowded cities. Previously some ethnic Chinese encountered legal and bureaucratic obstacles to obtaining citizenship, although the Government's stated policy was to encourage them to apply. In connection with the August renewal of diplomatic ties between

Indonesia and China, officials announced that stateless Chinese--currently estimated to number 300,000--must adopt the citizenship of one country or the other and that Indonesia's procedures would be simplified and shortened. Travel to China remains restricted, and the State Secretary expressed opposition to the rumored plans of many ethnic Chinese to attend the Asian Games in Beijing. The Director General of Immigration announced the exemption of additional categories of citizens from the exit-visa requirement.

The Government acknowledges maintaining a "blacklist" that includes domestic critics and others in disfavor whose foreign travel is periodically prohibited. Although reliable figures are not available, an estimated 5,000 Indonesians--including prominent past civilian and military officials--currently may not leave the country. Some critics, however, are free to travel abroad, and a person prohibited at one time may be permitted to travel subsequently. Students wishing and able to do so can generally go abroad for study.

Restrictions exist on movement by Indonesian and foreign citizens to and within parts of Irian Jaya. Security checks affecting transportation and travel in East Timor outside Dili (the provincial capital) occurred sporadically, and permission is required to visit certain districts considered sensitive for security reasons. Some journalists visiting East Timor were restricted from traveling everywhere they wanted, while some others visiting as tourists traveled extensively. Curfews were often in force in connection with military operations in parts of East Timor and Aceh. Family visits back to East Timor by East Timorese now living in Australia continued.

Former political detainees, including those associated with the abortive 1965 coup, must notify authorities of their movements and may not change their place of residence without official permission. A spokesman for BAKORSTANAS reasserted the Government's case-by-case approach to members or alleged supporters of the banned PKI outside Indonesia, saying that those living in Eastern Europe can return but must undergo intensive investigation before resuming a normal life. President Soeharto said ex-PKI members can return to Indonesia provided they submit to the legal process, as did their colleagues who never left.

Indonesia has given first asylum to over 125,000 Indochinese asylum seekers since 1975, and the population of its Galang Island facility was over 20,000 at year's end. Vietnamese arrivals increased dramatically in 1990; over 7,000 had been redirected from nearby Malaysia. Galang's Cambodian population was about 1,800. Indonesia considers the Cambodians illegal entrants rather than asylum seekers. Nevertheless, Cambodians have been allowed to remain in Indonesia, pending an international decision on how to resolve their situation. Three boatloads of Cambodians were refitted, reprovisioned, and assisted to sail to Australia.

In June and July 1990, some asylum seekers reported experiencing abuse while transiting to Galang. Military personnel--some of whom were subsequently transferred--raped, beat, and robbed asylum seekers who landed at Kuku Island. At least one victim died. The U. N. High Commissioner for Refugees (UNHCR) immediately investigated and notified relevant authorities; subsequently, reports of such incidents ended.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Parliament, political organizations, and the general public have limited ability to influence government decisions but can not change the system or its leadership. President Soeharto and a small group of active-duty and retired military officers and civilian technocrats exercise governmental authority. The military has responsibility under a "dual function" doctrine for national defense and security plus sociopolitical affairs. The military is predominant in the political and security fields. The Constitution provides Parliament a mechanism to call the President to account in extraordinary circumstances. Government leaders seek out and receive public opinion informally. Reflecting a strong cultural preference, Indonesian leaders emphasize the importance of decisionmaking and resolving disputes through "consultation leading to consensus."

In 1990 public discussion among elites focused continued attention on the paternalistic political system, laws regulating political activity, and the challenge of managing political change to keep pace with and support economic progress. Some top officials indicated increased tolerance for pluralistic political activity and expression, while also responding with varying effectiveness to public concerns about the gap between rich and poor, domination of the economy by conglomerates, land use disputes, and fuel prices.

The Parliament--whose members are screened by the Government before election or appointment--considers bills presented to it by government departments and agencies but does not draft laws on its own, although it has the constitutional right to do so. The Government seeks to resolve potential parliamentary concerns before bills are officially presented. Parliament makes technical and occasionally substantive alterations to bills it reviews. Through consultations and hearings with ministers and other executive branch officials, press statements, and field trips, Parliament is more actively contributing to the content and execution of government policy than previously, but it remains clearly subordinate to the executive branch.

Only three political organizations are allowed by law. GOLKAR, a government-sponsored organization of diverse functional groups, dominates. Two small political parties--the United Development Party (PPP) and the Indonesian Democratic Party (PDI)--also operate. By law they embrace Pancasila. They are not considered opposition parties and seldom espouse policies much different from the Government's. The leaders of all these organizations are approved, if not chosen, by the Government, and their activities are closely scrutinized and often guided by government authorities. GOLKAR maintains close institutional links with the Armed Forces and KORPRI, the nonunion association to which all civil servants automatically belong. Civil servants may join either of the political parties with official permission, but most are members of GOLKAR. Former members of the PKI and some other banned parties may not run for office or be active politically.

General elections for Parliament and for provincial and district assemblies are held every 5 years. The Home Affairs Minister put into debate the role of the provincial assemblies by suggesting their abolition. GOLKAR won 73 percent of the

national vote in the 1987 elections. All adult citizens are eligible to vote, except active-duty members of the Armed Forces, convicted criminals serving prison sentences, and some former PKI members. The Government decided in February to screen some 40,000 of the latter for eligibility to participate in the 1992 elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Government considers outside investigations of alleged human rights violations to be interference in its internal affairs, it facilitated access in 1990 by Asia Watch representatives preparing a report critical of prison conditions, and the Foreign Minister met Asia Watch's executive director in New York in September. Amnesty International has been refused access to Indonesia. Informal Asia Watch visits, in addition to the prison study, have occurred during the past several years. Access to East Timor by such organizations-- which the Government considers biased--has traditionally been restricted though it has not been tested since the formal normalization of the province's status in 1989. Diplomats and some journalists are encouraged to visit the province.

President Soeharto and the General Secretary of the International Confederation of Free Trade Unions (ICFTU) met in March and discussed worker rights issues. The Government generally ignores calls by domestic human rights groups and activists for investigations of alleged human rights incidents. While various domestic organizations and persons interested in human rights operate energetically, the Government discourages public human rights activities. Some human rights activists have complained of government harassment.

Under a 1985 agreement, the International Committee of the Red Cross (ICRC) is authorized by the Government to visit persons held for security reasons in East Timor. The conditions of such access improved somewhat in 1990. In Irian Jaya the ICRC facilitated the return of some border crossers from Papua New Guinea and visited persons jailed in connection with separatist activities. The ICRC annually visits and interviews the prisoners convicted of participation in the abortive, Communist-backed coup in 1965. The Government has not to date allowed access by the ICRC--or any other international humanitarian group--to imprisoned Muslim activists.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Indonesians exhibit considerable tolerance for ethnic, racial, and major religious differences, with the major exception of official and informal discrimination against ethnic Chinese. Since 1959, noncitizen ethnic Chinese have been denied the right to run businesses in rural Indonesia. Regulations prohibit the operation of all-Chinese schools for ethnic Chinese citizens, formation of exclusively Chinese cultural groups or trade associations, and public display of Chinese characters. Many people of Chinese ancestry have nonetheless been successful in business and the professions, and the enforcement of restrictions is often haphazard. Some ethnic Chinese have enjoyed particular government favor. Social and

religious groups exist which are, in effect, all-Chinese and are not proscribed. In 1990 Jakarta authorities ended the practice of marking local identification cards to indicate Chinese ethnicity, and in Bandung a controversial decree to remove Chinese characters from tombstones and places of worship was rescinded. However, publicized statistics from the Attorney General's Office on persons accused of economic corruption categorized them as ethnic Chinese or indigenous Indonesian, and various materials for commercial sale bearing Chinese characters were seized.

Under the law, and as President Soeharto and other officials periodically affirm, women are equal to and have the same rights, obligations, and opportunities as men. Some Indonesian women enjoy a high degree of economic and social freedom and occupy important mid-level positions in the civil service, educational institutions, labor organizations, the military, the professions, and private business. Although women constitute one quarter of the civil service, they occupy only a small fraction of the service's top posts. Women make up about 40 percent of the overall work force, with the majority in the rural sector. Despite legal guarantees of equal treatment, women seldom receive equal pay for equal work and disproportionately experience illiteracy and poor health and nutrition. Traditional attitudes which limit women's aspirations, activities, and status undercut state policy in some areas. Several voluntary, private groups work actively to advance women's legal, economic, social, and political rights and acknowledge some success in gaining official cognizance of their concerns.

Violence against women is an acknowledged though inadequately documented problem. In response to a call for a new law to protect women, including application of the death penalty in rape cases, the Justice Minister argued instead that better enforcement of existing laws and regulations is necessary. The media frequently--and sometimes luridly--report instances of rape and other abuse against women and subsequent legal proceedings against the perpetrators. The Government has recognized domestic violence as a problem in Indonesian society and provides some counseling, as do several private organizations. However, cultural, social, psychological, and other factors inhibit reporting of such abuse and recourse by victims to counseling and legal protection.

Section 6 Worker Rights

a. The Right of Association

Private sector workers, including those in export-processing zones, are free to form or join unions without previous authorization, but in order to bargain on behalf of employees a union must meet the requirements for legal recognition and register with the Department of Manpower. The requirements for legal recognition are representation in at least 20 of the 27 provinces, branch offices in at least 100 districts, and 1,000 local units at plant level. The unions draw up their own constitutions and rules and elect their representatives while under close government scrutiny and subject to government approval prior to registration.

About 6 percent of the 76-million-member work force is organized. The All Indonesia Workers Union (SPSI), which groups together private sector workers, is the only recognized intersectoral trade union body. The SPSI's predecessor

organization, FBSI, was set up in 1973 through a government-sponsored merger of various non-Communist unions and adopted its present name and structure, also with heavy government involvement, in 1985. The SPSI, recently reorganized into 13 autonomous divisions covering broad industrial sectors and specialized institutes, has about 10,000 local units at the plant level and claims over 3 million members, although only about 900,000 actually pay dues.

In November a number of human rights campaigners announced the creation of the Setia Kawan (Solidarity) free trade union, alleging that the SPSI had failed to defend worker interests adequately. However, the Coordinating Minister for Political and Security Affairs initially stated that the Government would not approve the new trade union when it seeks to register because to do so would violate the Government's single-trade union policy. He later stated that the Government would tolerate the new organization if it did not do anything illegal. A number of groups and professional organizations, e.g., the Journalist Association and the Joint Secretariat of Industrial Unions, are permitted to carry out certain limited trade union functions and operate openly, but they may not engage in collective bargaining. The nonunion teachers' association (PGRI) in April was allowed to register as a trade union with exclusive jurisdiction for this sector. The PGRI, which consists of 1.3 million teachers, including teachers in religious, private, and public schools, has representation in all 27 provinces.

State enterprise employees and civil servants must belong to KORPRI, a nonunion association whose central development council is chaired by the Minister of Home Affairs. During August, for the first time, a KORPRI subunit successfully negotiated four collective bargaining agreements with the state-owned coal company.

The Government and employers have considerable influence over union affairs. A retired military lieutenant colonel and GOLKAR district chairman with some prior union experience was recently elected chairman of the largest provincial branch of the SPSI, partly due to government backing. SPSI officials are pressured to join GOLKAR, and GOLKAR members dominate the SPSI leadership.

Under the ORMAS law (see Section 2.b.), government approval is needed for meetings outside union headquarters. Permission is routinely given. A union may be dissolved if the Government believes it is acting against Pancasila. There are no laws or regulations laying out the procedures for the dissolution of a union, and there have been no cases of union dissolution.

The SPSI maintains international contacts, but it is not affiliated with any trade union organization, except the Association of South East Asian Nations (ASEAN) Trade Union Council. The SPSI's government-endorsed application for membership in the ICFTU is still pending. Some elements of the SPSI, such as the Port and Maritime Workers, maintain links with international trade union secretariats. The Joint Secretariat, grouping elements of the SPSI and unions not legally recognized by the Government, has links with the World Confederation of Labor.

While Pancasila principles call for labor-management differences to be settled by consensus, all organized workers, with the exception of civil servants, have a legal right to

strike. In June President Soeharto revoked a 1963 presidential decree which prohibited strikes and lockouts in vital industries, services, and enterprises. This prohibition, although reportedly never implemented, was theoretically applicable to about 170,000 workers. Before a strike can occur in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice regarding the intent to strike, but no approval is required. Most disputes, however, are settled through negotiation and consensus. There were 45 strikes reported in 1990, compared to 19 strikes for all of 1989, many of which were not legal. Many strikes are not reported.

Strike outcomes varied. In one highly publicized strike at a textile factory, more than 21 workers, including some union officials, who protested the dismissal of 7 women workers and low wages, were dismissed. The minimum wage was increased, and the seven women rehired, but the strikers were not.

In practice there are no clear established procedures regarding the settlement of disputes. The various laws, interpretative rules, instructions, and practices indicate that the parties should try to settle the dispute themselves. If they cannot settle the matter then they should submit the case to the Department of Manpower's Mediation and Conciliation Service. If the parties do not accept the mediator's decision, then the mediator or either party may submit the matter to tripartite (government, employers, employees) administrative tribunals or to arbitration. These tribunals hear arguments and issue decisions enforceable through the courts. The Minister of Manpower can nullify the decisions of administrative tribunals on legal or national interest grounds. Although technically the Minister's decisions may be appealed to the courts, in practice it is rarely done. Under the law, the parties can elect binding arbitration in lieu of the tripartite mechanism. However, this provision is seldom used; most cases are handled by the Department of Manpower's Mediation and Conciliation Service.

The Central Board of KORPRI and its secretariats at the provincial level have employee relations bureaus, which are responsible for settling employee disputes. Some government departments have specific agreements with the Department of Manpower, which call for the convening of a labor committee to resolve disputes.

Indonesia has for many years been the subject of complaints in the International Labor Organization (ILO). The American Federation of Labor and Congress of Industrial Organizations, a longstanding critic, has brought worker rights complaints against Indonesia in U.S. trade proceedings. In May 1989, the ILO's Committee on Freedom of Association (CFA) reached final conclusions concerning the uncompleted aspects of a 1987 complaint by the ICFTU pertaining to the ban on organizing public sector unions, insufficient protection against antiunion discrimination, and restrictions on collective bargaining and the exercise of the right to strike. Concluding that a large section of the work force does not have freedom to form or join a workers' organization of its own choosing, the CFA requested the Government to allow public employees to establish unions outside KORPRI and to remove other restrictions. In April and May 1990, the Government informed the CFA that the 1963 presidential decree would be repealed and that the PGRI had registered as a union. It also argued that there was no need for public servants to have

collective bargaining as the legislation adequately covers conditions of employment. In June the CFA pointed out that the limited nature of the "associations" public servants can form was tantamount to a restriction on unionization, even though there was no explicit legislative ban. In November the CFA took note of the repeal of the 1963 presidential decree and of the Government's report that collective labor agreements had been concluded by one KORPRI subunit.

b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for by law, but only registered trade unions can do it. The Department of Manpower vigorously promotes collective bargaining as an instrument of industrial relations in accordance with Pancasila. The overwhelming majority of the SPSI's collective bargaining agreements are negotiated and concluded bilaterally with employers. Once notified that 25 employees have joined a registered union, the employer is under an obligation to bargain. As a transitional stage to encourage collective bargaining, regulations require that every company which has 25 or more employees must issue company regulations defining the terms and conditions of employment. Before a company can register or renew its company regulations it must demonstrate that it has consulted with a committee consisting of employer and employee representatives, in the absence of a union. Of the approximately 10,000 SPSI units, only about half have collective bargaining agreements. The degree to which these agreements are freely negotiated between unions and management without government interference varies. By regulation, negotiations are to be concluded within 30 days. If not, the matter is submitted to the Department of Manpower for mediation and conciliation/arbitration. In practice, most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 more.

Labor law applies equally in export processing zones. While some companies in these zones have SPSI units, none have negotiated collective bargaining agreements. Regulations expressly forbid employers prejudging or harassing employees because of union membership, and employees are urged to report harassment to the Government. The SPSI claims that some employers discriminate against its members and those wishing to form SPSI units.

Many strikes and protests take place in support of fired union officials. Charges of antiunion discrimination are handled by the administrative tribunals. Many union members believe that the tribunals generally side with the employer. Two members of the Jakarta City Council's Social Welfare Commission stated publicly that the tribunals are inclined to favor employers when settling labor disputes. Because of this partiality, many workers reject or avoid the process and present their disputes before the Parliament and other agencies.

Workers can organize without restriction in a private enterprise even if it is designated vital by the Government. If the State has a partial interest, the enterprise is considered to be in the public service domain, but this does not legally limit organizing. There are a significant number of government/private joint enterprises which have labor unions and which bargain collectively.

INDONESIA

c. Prohibition of Forced or Compulsory Labor

Forced labor is strictly prohibited. Indonesia has ratified ILO Convention 29 concerning forced labor. The International Human Rights Law Group, a U.S.-based nongovernmental organization, asserts that military and civilian officials in Irian Jaya cooperate with Jakarta-based timber companies to compel Asmat tribespeople to cut down trees and transport them downstream to waiting ships, and that the government resettlement program raises serious questions of informed consent. It also alleges that there are documented reports of labor contractors in Jakarta selling girls as domestic servants or to brothels near plantations, and that men are sold as agricultural workers. The Government has responded that it is investigating the allegations.

d. Minimum Age for Employment of Children

Child labor continues to be a major problem. The Department of Manpower acknowledges that there is a class of children under age 14 who, for socioeconomic reasons, must work and notes that the child labor laws have not been fully enforced. These laws provide detailed safeguards, including requirements for parental consent, prohibition of dangerous work and night work, and a limit of the workday to 4 hours. Employers must cooperate with public authorities to ensure that children under 14 comply with the 1989 national education law, which requires that children complete 9 years of schooling beginning at age 7.

Employers are required to report in detail on every child employed, and the Department of Manpower carries out periodic inspections. Employers not complying with the law and regulations are subject to fines of $65 and/or up to 3 months in jail for each infraction, but the Government still relies on persuasion and teaching employers rather than penalizing them. The Department of Manpower continues to admit that employer compliance with the regulations is inadequate (less than 50 percent of companies employing children have registered), and that it still lacks enough qualified inspectors to carry out inspections. Observers claim that as many as 2 million children under the age of 14 are working half to full time, mostly in family-run businesses in the informal sector and at agricultural sites, where enforcement is difficult. Efforts to control child labor focus primarily on instituting educational programs for working children.

e. Acceptable Conditions of Work

The law establishes 7-hour workdays and 40-hour workweeks, with one-half hour of rest for each 4 hours of work. The daily overtime rate is one and one-half times the normal hourly rate for the first hour, and twice the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower with the agreement of the employees.

In the absence of a national minimum wage, minimum wages are established by regional wage councils working under the supervision of the National Wage Council. This is a quadripartite body consisting of representatives from labor, management, government, and universities. It also establishes a basic-needs figure for each province--a monetary amount considered sufficient to enable a single worker or family to meet the basic needs of nutrition, clothing, and shelter. The

minimum wage rates constantly lag far behind the basic-needs figures and fall short of providing a decent standard of living. The minimum wage in the capital city of Jakarta is $1.13 per day. Labor law and ministerial regulations provide workers with a variety of other benefits such as social security, and workers in more modern facilities often receive health benefits and free meals.

Observance of minimum wage and other laws regulating benefits and labor standards varies from sector to sector and from region to region. Employer violations of these guarantees are considered to be fairly common and often the subject of strikes and employee protests. Government supervision and enforcement have been weak or nonexistent. In May 1989, the Manpower Minister issued regulations giving Department officials a legal basis to carry out periodic inspections and providing for fines or imprisonment for employers who do not comply. In March 1990, spurred on by an Asian-American Free Labor Institute/SPSI minimum wage compliance project, which showed that 50 to 70 percent of employers in three targeted areas in Jakarta were paying less than the minimum wages, the Manpower Minister began to prosecute employers for violating minimum wage regulations. The President of the Social Insurance Program (ASTEK) followed suit and began prosecuting employers who had not enrolled their employees in ASTEK as required by law. The actual number prosecuted for minimum wage violations was about 30.

Both law and regulations provide for minimum standards of industrial health and safety. In the more profitable and largely Western-operated oil sector, safety and health programs function reasonably well. However, safety and health programs in the country's over 100,000 larger, registered companies in the nonoil sector are still hampered by the limited number of qualified inspectors from the Department of Manpower--less than 1,300; the slowness with which the firms establish the required plant-safety committees; the need for more and better training of government inspectors and plant-safety personnel; and the lack of employee appreciation for sound health and safety practices. A National Health and Safety Council, an advisory body established under the Department of Manpower, was created to oversee the enforcement efforts of over 6,000 company safety committees.

Workers are obligated to report hazardous working conditions, and employers are prevented by law from retaliating against those who do. An ILO-sponsored program to enhance the technical capabilities of government inspectors and plant personnel in the area of chemical and major hazards control was signed in 1988, and the Government has sought additional technical assistance from other countries to increase inspection capabilities.